

Jury Management: The New Michigan Performance Measure

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By Jim Inloes, Management Analyst, Trial Court Services

Being called for jury service is, for many citizens, the only contact they will ever have with Michigan's judicial system. There were only 2,396 cases that concluded in jury verdicts in calendar year 2015. These include all circuit, district, and probate courts and represent less than one percent of all dispositions in which a jury trial could be held.

Despite the relatively low number of jury trials, more than 95,000 jurors served in Michigan courts during fiscal year 2015. These jurors represent approximately one percent of the state's population. Trial courts spent almost \$6.5 million on juror per diems and mileage in fiscal year 2015. The Michigan State Court Administrative Office (SCAO) spent more than \$2.7 million reimbursing these costs.

Upon the recommendation of the Trial Court Performance Measures Committee,[\[1\]](#) the Michigan Supreme Court has implemented **eight performance measures**, the most recent of which is Jury Management. This measure requires all trial courts to collect and report specific data to SCAO. The purpose for collecting and reporting on this data is to encourage courts to focus upon how they can make their jury management system more efficient. But what does that mean? Having an efficient jury management system means less of an imposition on citizens, less cost for tax payers, less burden on court staff, and an increased representation of the community.

Why is this performance measure so important? Because the many Michigan citizens who serve on jury duty not only give their valuable time, but many lose wages, as employers are not obligated to pay their employees who are summoned for jury duty. And, the statutory minimum that courts must pay jurors is \$25 for the first day (\$12.50 for the first half day) and \$40 per day for each subsequent day (\$20 per half day). That compensation does not even equal minimum wage.[\[2\]](#)

Judges, court administrators, and court staff not only should be mindful of these sacrifices, but they also must be committed to the efficient use of tax payer dollars in qualifying, summoning,

and seating jurors. The primary focus of this performance measure is to examine that process so that courts only qualify, summons, and seat the jurors they need.

So what data will the SCAO collect? SCAO will collect data to determine just how many citizens are called for jury duty when they may not have been needed. In Michigan, we get our jurors from a list provided by the Michigan Secretary of State that combines driver's license and state identification card information. From that list, which is provided to each county in Michigan, a court will send out what are called qualification questionnaires. These questionnaires simply ask potential jurors questions to determine their eligibility to serve. Some may be disqualified because of a statutory provision, e.g. a felony conviction. Some may be exempt because they are exercising a statutory exemption, e.g. over 70 years of age. So from all the questionnaires a court sends out, the court should be able to get 50 percent^[3] of those potential jurors who are qualified and able to serve.

The next set of data that SCAO will collect entails four factors:

1. Jurors summoned for a specific date or dates.
2. Jurors told to report.
3. Jurors sent to a courtroom.
4. Jurors questioned in the voir dire process.

The collection of this data will answer the following questions:

1. Are we summoning more jurors than we need?
2. Are we telling more jurors to report than necessary?
3. Do we have an unacceptable no-show rate?
4. Do we send more jurors to the courtroom that is necessary to seat a jury?

The data will be reported once per year beginning in March 2017. Judicial Information Services staff at SCAO has developed an application to make it easy to report this data. The application is currently being tested internally and will be tested by some select courts in September and October. Specific instructions on using and reporting the data will be sent to all courts this fall.

We know that in the first year of collecting and reporting data there may be some bumps in the road. Feedback from the courts' jury management staff is important and encouraged. SCAO will also be available to provide technical assistance to improve jury management practices in any court in which there is need. Questions can be sent to Jim Inloes at trialcourtservices@courts.mi.gov or inloesj@courts.mi.gov.



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[1] Formed by SCAO in 2009, this committee consists of judges and court administrators from circuit, district, and probate courts and is chaired by the Honorable Paul B. Sullivan of Kent County

[2] Currently the minimum wage in Michigan is \$8.50 per hour.

[3] 50 percent is the standard established by the National Center for State Courts.

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